REMARKS

Applicants' request for reconsideration of the finality of the rejection of the Office Action dated May 31, 2005 was granted. Applicants' appreciate the Examiner's reconsideration of the matter.

Claims 1 to 52 were pending in the application at the time of examination. Claims 1 to 52 stand rejected as anticipated. Claims 1 to 52 are rejected under 35 U.S.C. 102(a) as being anticipated by Tso, et al., U.S. Patent No. 6,421,733 (hereinafter "Tso").

Applicants respectfully assert that subject matter of the cited art has been considered by the Office and the Office admitted on the record that the subject matter failed to anticipate Applicants' claims. More particularly, "International Publication Number WO 98/43177, entitled 'System for Dynamically Transcoding Data Transmitted Between Computers', of Michael M. Tso et al., published on October 1, 1998", was submitted in an IDS filed by Applicants. The Examiner considered the Tso PCT Application, as indicated by signature on the Information Disclosure Statement by Applicant, PTO Form 1449A, dated November 02, 2004 and did not cite to the PCT application as anticipating Applicants' claims.

The Tso PCT Application was filed March 19, 1998, claiming priority to U.S. Patent Application No. 08/925,275, which subsequently issued as the cited patent of Tso. The subject matter considered in Tso PCT Application was the same as that cited in the instant action.

Even more particularly, it is noted that the Examiner cites to, *inter alia*, various portions of Tso that precisely correspond to the language of the Tso PCT Application, i.e., the Tso PCT Application contains verbatim renderings of portions of Tso.

For example, the Office Action stated:

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> ...[r]egarding claim 1, Tso teaches a system for accessing data stored at a remote host in a computer network, comprising: a proxy server... (Tso, col. 3, l.39-41);

The cited portion found at Column 3, lines 39 to 41 in Tso stated:

> acting upon commands in the request by, for example, determining whether or not to transcode content. Moreover, using transcoder 20, HTTP remote proxy 36 is capable of-

Tso, Column 3, lines 39 to 41. The cited portion is set out verbatim in the Tso PCT Application, Page 3, paragraph 4.

In view of the foregoing, the subject matter of Tso has been considered previously. Applicants respectfully assert that the previous admission on the record that the subject matter of Tso failed to anticipate Applicants' claims demonstrates that the current rejection is not well founded. Applicants should be able to rely on actions of the Office and if a contradictory position is going to be taken, the Office should acknowledge and explain why the previous action cannot be relied upon. Applicants respectfully request reconsideration and withdrawal of all anticipation rejections based on Tso.

Moreover, Applicants will demonstrate that the original admission by the Office was, in fact, correct. Applicants respectfully traverse the anticipation rejection of Claim 1.

> A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. ... The identical invention must be shown in as complete detail as is contained in the ... claim.

MPEP, §2131, 8th Ed., Rev. 3, p. 2100-76 (August 2005).

Claim 1 recited in part:

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> a proxy server having a code section including instructions for receiving a request for data from a client, and making a determination whether the requested data should be rendered before transmission to the client; and
>
> a processing server coupled to the proxy server and having a code section including instructions for receiving the rendering determination from the proxy server, rendering the requested data, and transmitting the rendered data to the client.

It is clear from the claim language alone that Applicants' invention includes both a **proxy server** and **a processing server.** Further, the claim language clearly delineates the functionality associated with each server: the proxy server includes the functionality necessary to receive a request for data and make a determination regarding rendering of the data. The processing server, on the other hand, includes the functionality necessary to receive the rendering determination from the proxy server, render the requested data and transmit the rendered data to the client.

By utilizing both a proxy server and a processing server, "... embodiments of the invention permit significant reductions in communication load transmitted to the client [and] ...reduce latency", Applicants' Specification, Page 6, Paragraph 22.

Applicants note that utilization of two separate servers and the division of labor therebetween result in efficiencies such as higher processing capacity for each of the proxy server and the processing server, and, therefore, reduced overall latency with respect to provision of rendered data. Such utilization further results in reduced or eliminated product and processing requirements on the part of the client; i.e., the processing server eliminates the need on the client side for rendering software as well as the processing associated with receipt and rendering of high volumes of data in their original format.

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The Office Action stated:

> Tso teaches a system for accessing data stored at a remote host in a computer network, comprising: a proxy server having a code section including instructions for receiving a request for data from a client (Tso, col. 3, l. 30-44, in which the transcoding server corresponds to the proxy server), and making a determination whether the requested data should be rendered before transmission to the client (Tso, col.3, l. 39-41); and

The cited sections of Tso actually taught:

> In the particular embodiment illustrated in FIG. 3, transcoding server 34 includes an HTTP (HyperText Transfer Protocol) remote proxy 36, capable of accessing Internet 18 over server/network communications link 16. HTTP remote proxy 36 differs from known network proxies, which generally are little more than a conduit for requests to, and replies from, external Internet resources, in that it is capable not only of examining such requests and replies, but also of determining whether or not to transcode content. Moreover, using transcoder 20, HTTP remote proxy 36 is capable of changing content received from Internet 18 prior to returning it to a requesting network client 12, as is explained further below.

Tso, Column 3, lines 30 to 44. The Office Action further stated:

> ...a processing server coupled to the proxy server and having a code section including instructions for receiving the rendering determination from the proxy server, rendering the requested data, and transmitting the rendered data to the client (Tso, col. 3, l7-30, l.40-48, col. 4, l.14-19).

The cited section actually taught:

> Transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device. In one particular implementation, illustrated in FIG. 3, transcoder 20 is installed in a remote transcoding server 34 arranged between network client 12 and Internet 18. Transcoding server 34 may comprise, or be a part of, a network server, a stand-alone computer in communication with a network server, or a distributed system of

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computers. Remote transcoding server 34 may be coupled, for example, to an ISP's network, a corporate network, or anywhere on Internet 18, and may provide multiple users (i.e., clients with a means to obtain content on Internet 18.

-determining whether or not to transcode content. Moreover, using transcoder 20, HTTP remote proxy 36 is capable of changing content received from Internet 18 prior to returning to a requesting network client 12, as is explained further below.

Looking more closely at the embodiment in FIG. 3, transcoder 20 is coupled to HTTP remote proxy 36. Parser 22 manages the transcoding of data to be transmitted from transcoding server 34 to network client 12. To this end-

Tso, Column 3, lines 17 to 30, lines 40 to 48.

Parser 22 may comprise a relatively simple, uniform interface to HTTP remote proxy 36, and may provide an API (Application Programming Interface) for transcoding data received by HTTP remote proxy 36. Parser 22 manages one or more transcode service providers 24 that are accessed through a common SPI (Service Provider Interface). In this-

Tso, column 4, lines 14 to 19.

The cited sections of Tso do not support the interpretation given in the office action. Both of the cited sections of Tso taught a **single transcoding server 34 having a remote proxy 30 and a transcoder 20.** Accordingly, the reliance upon this single teaching of a transcoding server as teaching exactly the processing server recited in the claims is not well founded.

More particularly, the cited sections of Tso unambiguously taught a **transcoding server.** The transcoding server included a remote proxy 36 and a transcoder 20, the transcoder having a parser and a plurality of transcode service providers, as described in the cited sections of Tso and as shown in FIG. 3 of Tso, referenced in said cited sections.

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Tso relied on the single **transcoding server** to: (1) receive requests from Internet resources; (2) act upon the commands within the requests to determine whether or not to transcode content; (3) changing content received from the Internet; and (4) return it to a requesting network client. Thus, as stated in the present Application, Tso relied on "...a proxy server to examine all data passing through it in all directions, and to perform additional processing of that data dynamically based on criterion or conditions known by the proxy server.", Applicants' Specification, Page 4, paragraph 12.

The performance of the foregoing operations by the transcoding server results in the aforementioned issues of communication overload and latency. Specifically, performance of the foregoing tasks by the transcoding server of Tso would render the Tso transcoding server incapable of: (1) efficiently determining processing requirements; (2) designating a processing server for processing: (3) directing the original data to bypass the transcoding server in favor of transmission directly from an originating server to a processing server; and (4) utilizing its own resource to manage the requests for data, as heretofore discussed.

All of these issues are the very issues that the present invention seeks to avoid by providing division of labor between the proxy server and processing server(s). Thus, the rejection not only failed to demonstrate that Tso showed the identical invention in as complete detail as is contained in the claim, but the cited reference actually taught away from the principles of the present invention. This alone is sufficient to overcome the anticipation rejection of Claim 1.

Further, Applicants respectfully note that the rejection modified the definitions used in Tso. Tso distinguished between "transcoding" and "rendering". For example, Tso explicitly taught what constitutes transcoding, for example:

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> As used herein, the term "transcode" applies to virtually any manipulation of data including, but not limited to, adding, modifying or deleting data

Tso, Col. 2, lines 47 to 49.

> For example, one or more transcode service providers 24 may provide the capability to compress and/or scale different types of data content, such as image, video, or HTML (HyperText Markup Language). Such uses are described further in co-pending U.S. patent applications Ser. No. 08/772,164 entitled "System for Enhancing Data Access Over a Communications Link," filed on Dec. 20, 1996, and Ser. No. 08/799,654 entitled "Method and Apparatus for Scaling Image Data," filed on Feb. 11, 1997, both of which are assigned to Intel Corporation. For purposes of illustrating certain features of the present invention, a number of embodiments are described below in terms of content scaling/compression; however, as is explained, transcode service providers 24 may provide a wide variety of transcoding functions.

Tso, Col. 3, lines 51 to 65

None of these description of transcoding include rendering. Tso is careful to distinguish between transcoding and rendering, for example,

> Yet another possibility is that enabled network client 12 includes one or more add-ins 46 specifically configured to transcode, render or playback content received by network client 12

Tso, Col. 13, lines 12 to 15

These examples explicitly show that Tso considered transcoding and rendering to be different. The last example also shows that a network client and not a server used a plug-in to do the rendering. Tso is consistent in this distinction, for example.

> embodiments of the present invention may be advantageously used to reduce the amount of data that is transmitted to

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> network client 12, thereby promoting faster downloading and rendering of content…
>
> …such applications may be especially advantageous for poorly-connected or computationally limited devices such as PDAs (Personal Digital Assistant), since this predigestion can be performed on a well-connected proxy server with an abundance of computational power, and the concise result can be easily downloaded and rendered on the more limited device.

Tso, Column 8, lines 22 to 48. Therefore, the rejection improperly modified the teachings of Tso when it equates "transcoding" with "rendering". Without such modification, the rejection fails to show **rendering of the requested data by the *any* server, let alone the processing server of the present invention.** Again, the rejection failed to demonstrate that Tso showed the identical invention in as complete detail as is contained in Claim 1. Therefore, according to the MPEP, Tso fails to anticipate Claim 1. This, too, is sufficient to overcome the anticipation rejection of Claim 1. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 1.

Claims 2 to 9 depend from Claim 1. Therefore, each of Claims 2 to 9 distinguished over Tso for at least the same reasons as Claim 1. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 2 to 9.

Applicants respectfully traverse the anticipation rejection of Claim 10. The Office Action stated that Claims 10 to 22 have similar limitations to Claims 1 to 9 and are rejected for the same reasons.

As noted above with respect to Claim 1 and incorporated herein by reference, the cited portions of Tso fail to teach the proxy server and the processing server of the present invention in as complete detail as is contained in the claim. Further, the cited portions of Tso failed to teach anything at all about generating a rendering request **for transmission to a**

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processing server; generating rendered data **by rendering data at the processing server;** and transmitting the **rendered data to the client.**

Once again, the rejection failed to find the foregoing elements of Claim 10 in as complete detail as set out in the claim. Therefore, Tso failed to anticipate Claim 10. Applicants respectfully request reconsideration and withdrawal of Claim 10.

Claims 11 to 22 depend from Claim 10. Therefore, each of Claims 11 to 22 distinguished over Tso for at least the same reasons as Claim 10. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 11 to 22.

Applicants respectfully traverse the anticipation rejection of Claim 23. With respect to Claim 23, the Office Action stated that claims 23 to 34 have similar limitations as claims 1 to 9 and are rejected for the same reasons.

As noted above with respect to Claim 1 and herein incorporated by reference, the cited portions of Tso failed to teach a **proxy server and a processing server.** The cited portions further failed to teach generating rendered data **by rendering data at the processing server**. The rejection failed to find the foregoing elements in as complete a detail as set out in Applicants' claim. Therefore, Tso failed to anticipate Claim 23. Applicants respectfully request reconsideration and withdrawal of Claim 23.

Claims 24 to 34 depend from Claim 23. Therefore, each of Claims 24 to 34 distinguished over Tso for at least the same reasons as Claim 23. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 24 to 34.

Applicants respectfully traverse the anticipation rejection of Claim 35. With respect to Claim 35, the Office Action stated that Claim 35 has a similar limitation as Claim

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10 and is therefore rejected for the same reason set forth in the rejection of Claim 10.

Claim 35 recited in part:

> ...rendering the requested data at the processing server; and transmitting the requested data to the client...

The Office Action stated that Tso further disclosed "...rendering the requested data at the processing server (Tso, col. 10, l. 44-49)."

The cited portion actually taught:

> -the incoming HTTP data stream. If parser 22 detects a match for a predetermined selection criterion, the HTTP stream handle is given to the appropriate transcode service provider 34. Transcode service provider 24 then transcodes the data stream appropriately, and HTTP remote proxy 26 transmits the transcoded data stream to network client 12.

As noted above with respect to Claim 1 and herein incorporated by reference, the cited section of Tso taught nothing about a **processing server**. The cited section of Tso taught nothing about **rendering the requested data**. The cited section of Tso taught nothing about **rendering the requested data at the processing server.** The cited section of Tso taught nothing about **transmitting the requested (now rendered) data to the client.**

Any of the foregoing distinctions are sufficient to overcome the anticipation rejection in view of the above quotation of the MPEP. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 35.

Claims 36 to 38 depend from Claim 35. Therefore, each of Claims 36 to 38 distinguished over Tso for at least the same reasons as Claim 35. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 36 to 38.

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Applicants respectfully traverse the anticipation rejection of Claim 39. Claim 39 stated in part:

> ...rendering the data at a processing server; and transmitting the rendered data to the client.

With respect to Claim 39, the Office Action stated:

> ...rendering the data at a processing server; and transmitting the rendered data to the client (Tso, col. 9, 49-67, col.10, l. 1-36).

As heretofore noted with respect to Claims 1 and 10, and incorporated herein by reference, the cited sections of Tso taught nothing about **processing server**. The cited section of Tso taught nothing about **rendering the requested data**. The cited section of Tso taught nothing about **rendering the requested data at the processing server.** The cited section of Tso taught nothing about **transmitting the rendered data to the client.** The rejection again fails to find each and every element in as much detail as Applicants' claim. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 39.

Claims 41 to 52 depend from Claim 39. Therefore, each of Claims 41 to 52 distinguished over Tso for at least the same reasons as Claim 39. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of each of Claims 41 to 52.

Applicants respectfully traverse the anticipation rejection of Claim 40. Claim 40 recited in part:

> to authorize a processing server to retrieve and render the requested data in accordance with the determination of the proxy server, and to transmit the rendered data to the client;

The Office Action stated:

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> ...Tso further discloses... a proxy server comprising: a processor; a memory connected to said processor, and containing code containing instructions configured, upon execution of said instructions by the processor, to cause the proxy server... to authorize a processing server to retrieve and render the requested data in accordance with the determination of the proxy server;....

Applicants again note and incorporate herein by reference that the cited sections of Tso failed to teach **a processing server; retrieving of requested data by the processing server; rendering of requested data by the processing server; and transmission of the rendered data.**

Any of the foregoing distinctions are sufficient to overcome the anticipation rejection in view of the above quotation of the MPEP. Applicants respectfully request reconsideration and withdrawal of the anticipation rejection of Claim 40.

Claims 1 to 52 remain in the application. For the foregoing reasons, Applicants respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicants.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **January 30, 2006**.

Attorney for Applicant(s)

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